

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

NELLA MANKO,

Plaintiff,

-against-

LENOX HILL HOSPITAL; DANA A. MANNOR, M.D.;  
NEW YORK STATE UNIFIED COURT SYSTEM;  
NEW YORK STATE COURT OF APPEALS;  
DECORATO COHEN SHEEHAN & FEDERICO LLP;  
GARSON DECORATO & COHEN, LLP; DECORATO & COHEN  
LLP; GARSON, GERSPACH, DECORATO & COHEN, LLP;  
LENOX HILL ANESTHESIOLOGY PLLC; "Anesthesiologist"  
(a fictitious name); L.H. RADIOLOGISTS, P.C.;  
MATTHEW B. LUBIN, M.D.; ALAN TIKOTSKY, M.D.;  
ELTON STRAUSS, M.D.; THE MOUNT SINAI HOSPITAL;  
THE MOUNT SINAI MEDICAL CENTER, INC.;  
BENJAMIN A. NACHAMIE, M.D.; HERBERT S. SHERRY, M.D.;  
IRINA AVRUCHEVSKAYA, M.D.; SUSAN LEVIT, M.D.;  
AARONSON RAPPAPORT FEINSTEIN & DEUTSCH, LLP;  
KAUFMAN BORGEEEST & RYAN LLP; C. CARDILLO, P.C.;  
BERNARD H. BROOME, ESQ.; CARDILLO & KEYSER, P.C.;  
LAW OFFICE OF BERNARD H. BROOME, PLLC;  
NEW YORK CITY TRANSIT AUTHORITY; MEDREVIEW, INC.;  
PROFESSIONAL EVALUATION GROUP, INC.;  
CITY OF NEW YORK; LAW OFFICES OF DAVID A. GABAY;  
DAVID A. GABAY, ESQ.; GABAY LAW GROUP P.C.; INSOURCE  
STRATEGIES, INC.; LAW OFFICES OF DAVID A. GABAY, P.C.;  
GORDON & SILBER, P.C.; RAWLINGS COMPANY, LLC;  
THE STATE OF NEW YORK, ET AL.,  
Defendants.

CIVIL ACTION  
No. 20-CV-09928

REQUEST  
TO WAIVE  
SERVICE OF  
A SUMMONS

NELLA MANKO, Plaintiff, Pro Se, is requesting to waive service of the Summons in this action. Enclosed are the following: (1) a copy of the Complaint; (2) two copies of waiver form; and (3) a prepaid means of returning one signed copy of the form to me.

Dated: Brooklyn, NY  
December 03, 2020

Nella Manko  
NELLA MANKO, Plaintiff, Pro Se,  
1735 East 13th Street, Apt. 3K, Brooklyn, NY 11229  
Tel. No.: (718) 375-9067

To: NEW YORK STATE COURT OF APPEALS  
20 EAGLE STREET, ALBANY, NY 12207

# UNITED STATES DISTRICT COURT

for the

Southern District of New York ☒

NELLA MANKO,

*Plaintiff*

v.

LENOX HILL HOSPITAL, ET AL.,

*Defendant*

Civil Action No. 20-CV-09928

## WAIVER OF THE SERVICE OF SUMMONS

To: NELLA MANKO

*(Name of the plaintiff's attorney or unrepresented plaintiff)*

I have received your request to waive service of a summons in this action along with a copy of the complaint, two copies of this waiver form, and a prepaid means of returning one signed copy of the form to you.

I, or the entity I represent, agree to save the expense of serving a summons and complaint in this case.

I understand that I, or the entity I represent, will keep all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to the absence of a summons or of service.

I also understand that I, or the entity I represent, must file and serve an answer or a motion under Rule 12 within 60 days from \_\_\_\_\_, the date when this request was sent (or 90 days if it was sent outside the United States). If I fail to do so, a default judgment will be entered against me or the entity I represent.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Signature of the attorney or unrepresented party*

\_\_\_\_\_  
*Printed name of party waiving service of summons*

\_\_\_\_\_  
*Printed name*

\_\_\_\_\_  
*Address*

\_\_\_\_\_  
*E-mail address*

\_\_\_\_\_  
*Telephone number*

### Duty to Avoid Unnecessary Expenses of Serving a Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain defendants to cooperate in saving unnecessary expenses of serving a summons and complaint. A defendant who is located in the United States and who fails to return a signed waiver of service requested by a plaintiff located in the United States will be required to pay the expenses of service, unless the defendant shows good cause for the failure.

"Good cause" does *not* include a belief that the lawsuit is groundless, or that it has been brought in an improper venue, or that the court has no jurisdiction over this matter or over the defendant or the defendant's property.

If the waiver is signed and returned, you can still make these and all other defenses and objections, but you cannot object to the absence of a summons or of service.

If you waive service, then you must, within the time specified on the waiver form, serve an answer or a motion under Rule 12 on the plaintiff and file a copy with the court. By signing and returning the waiver form, you are allowed more time to respond than if a summons had been served.



Address: 130 LEROY STREET  
NEW YORK  
NY 10014  
Location: WTCA  
Device ID: -BTC01  
Transaction: 940282723878

---

**FedEx Priority Overnight**

399819668257 4.0 lb (M) 44.67

Direct Signature Required

Declared Value 1

Recipient Address:

NYS COURT OF APPEALS  
20 EAGLE STREET  
Albany, NY 12207  
0000000000

Scheduled Delivery Date 12/4/2020

Pricing option:  
STANDARD RATE

Package Information:  
FedEx Pak

Shipment subtotal: \$44.67

**Total Due: \$44.67**

(S) CreditCard: \$44.67

\*\*\*\*\*9054

M = Weight entered manually

S = Weight read from scale

T = Taxable item

Terms and Conditions apply. See  
[fedex.com/us/service-guide](http://fedex.com/us/service-guide) for details.

Visit us at: [fedex.com](http://fedex.com)  
Or call 1.800.GoFedEx  
1.800.463.3339

Dec 03, 2020 8:36:16 PM

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

2020 DEC -9 PM 3:11

NELLA MANKO,

Plaintiff,

CIVIL ACTION  
No. 20-CV-09928

-against-

LENOX HILL HOSPITAL; DANA A. MANNOR, M.D.;  
NEW YORK STATE UNIFIED COURT SYSTEM;  
NEW YORK STATE COURT OF APPEALS;  
DECORATO COHEN SHEEHAN & FEDERICO LLP;  
GARSON DECORATO & COHEN, LLP; DECORATO & COHEN  
LLP; GARSON, GERSPACH, DECORATO & COHEN, LLP;  
LENOX HILL ANESTHESIOLOGY PLLC; "Anesthesiologist"  
(a fictitious name); L.H. RADIOLOGISTS, P.C.;  
MATTHEW B. LUBIN, M.D.; ALAN TIKOTSKY, M.D.;  
ELTON STRAUSS, M.D.; THE MOUNT SINAI HOSPITAL;  
THE MOUNT SINAI MEDICAL CENTER, INC.;  
BENJAMIN A. NACHAMIE, M.D.; HERBERT S. SHERRY, M.D.;  
IRINA AVRUCHEVSKAYA, M.D.; SUSAN LEVIT, M.D.;  
AARONSON RAPPAPORT FEINSTEIN & DEUTSCH, LLP;  
KAUFMAN BORGEEST & RYAN LLP; C. CARDILLO, P.C.;  
BERNARD H. BROOME, ESQ.; CARDILLO & KEYSER, P.C.;  
LAW OFFICE OF BERNARD H. BROOME, PLLC;  
NEW YORK CITY TRANSIT AUTHORITY; MEDREVIEW, INC.;  
PROFESSIONAL EVALUATION GROUP, INC.;  
CITY OF NEW YORK; LAW OFFICES OF DAVID A. GABAY;  
DAVID A. GABAY, ESQ.; THE STATE OF NEW YORK, ET AL.,  
Defendants.

AFFIDAVIT  
OF SERVICE  
OF REQUEST  
TO WAIVE  
SERVICE OF  
A SUMMONS

STATE OF NEW YORK, COUNTY OF NEW YORK, SS.:

NELLA MANKO, being duly sworn, deposes and says:

1. I am over 18 years of age. I reside in Brooklyn, State of New York.
2. On **December 03, 2020**, I served a true copy of the following papers: (1) **Request to Waive Service of a Summons**; (2) **a copy of the Complaint**; (3) **two copies of waiver form**; and (4) **a prepaid means of returning one signed copy of the form to me**.
3. The method of service was **FedEx Priority Overnight, Direct Signature Requested (Trck. # 3998 1966 8257)**. By depositing the same with an overnight delivery service in a wrapper properly addressed. Said delivery was made prior to the latest time designated by the overnight delivery service for overnight delivery. Addressed to the addressee indicated below:

NEW YORK STATE COURT OF APPEALS  
20 EAGLE STREET, ALBANY, NY 12207

*Nella Manko*  
NELLA MANKO

Sworn to before me this  
07<sup>th</sup> day of December, 2020

FROM:

NELLA MANKO  
1735 E 13TH ST,  
APT. 3K,  
BROOKLYN, NY 11229

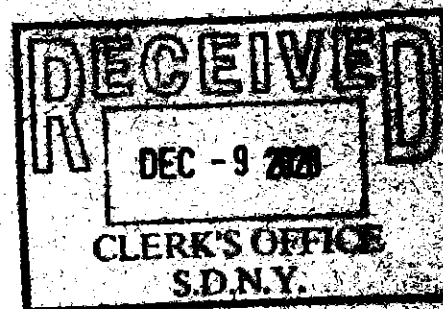
RECEIVED  
SDNY PRO SE OFFICE

2020 DEC -9 PM 2:44

DATE: 12/07/2020

CIVIL ACTION No. 20-CV-09928

SDNY  
MSWSN



Pro Se  
SM

TO  
PRO SE OFFICE

I AM FILING 6 AFFIRMATIONS WITH PROVE OF SERVICE  
OF THE REQUEST TO WAIVE SERVICE OF SUMMONS

RECEIVED

DEC 31 2020 PM 11:43

U.S. DISTRICT COURT SDNY